

REMARKS/ARGUMENTS

Claims 3 and 4 are pending in this application. By this Amendment, Applicant AMENDS claim 3.

Claims 3 and 4 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claims 3 and 4 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to set forth the subject matter which applicant(s) regard at their invention.

The Examiner alleged that the feature of “an output generator arranged to concurrently output first and second sound signals to a common speaker based on the engine sound data stored in the memory,” recited in claim 3 is not clearly defined in Applicant’s specification. In particular, the Examiner alleged that Applicant’s specification discloses that the synthesized output sound output generator 7 outputs a single signal.

Applicant has amended claim 3 to recite “an output generator arranged to output a voltage signal corresponding to a synthesized signal of first and second sound signals to a single speaker based on the engine sound data stored in the memory.” Support for the amendments to claim 3 can be found in, for example, paragraphs [0014], [0033], [0037], [0050], [0052], and [0053] of Applicant’s specification and Figs. 1, 6, and 11 of Applicant’s drawings.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3 and 4 under 35 U.S.C. § 112, first paragraph, and the rejection of claims 3 and 4 under 35 U.S.C. § 112, second paragraph.

Although the Examiner did not reject claim 3 over prior art in the outstanding Office Action, Applicant hereby incorporates by reference all of the arguments presented in Applicant’s Amendment filed March 24, 2009 and Applicant’s Pre-Appeal Brief Request for Review filed September 2, 2009 with respect to the prior art references to Truchsess (U.S. 5,734,726) and Koike et al. (U.S. 5,635,903).

In view of the foregoing amendments and remarks, Applicant respectfully submits

that claim 3 is allowable. Claim 4 depends upon claim 3, and is therefore allowable for at least the reasons that claim 3 is allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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